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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/557,272

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EXAMINER

SHAH, TUSHAR S

ART UNIT

PAPER NUMBER

2184

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/557,272	Applicant(s) TAKAYAMA ET AL.	
	Examiner TUSHAR S. SHAH	Art Unit 2184	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the Request for Continued Examination filed on April 28th, 2009.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/22/2009 has been entered.

Status of Claims

Claims 7-16 are pending, of which claims 7, 8, 11-13 are in independent form.
Claims 13-16 are new.

Response to Arguments

2. Applicant's arguments, see pages 7-8 of the response, filed 4/22/2009, with respect to the rejection(s) of claim(s) 7-12 under 102(e) have been fully considered and

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are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Philipsson US Publication 2001/00007815 A1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 7-13, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Philipsson US Publication 2001/00007815 A1 (hereinafter Philipsson).

Referring to claim 7, Philipsson discloses, a communication system having a plurality of communication apparatuses (stationary unit and mobile communications device, page 1, paragraph 0005 and Figs. 1A and 1B), each of the plurality of communication apparatuses comprising:

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first communication mean (a smaller short range wireless communication is used to pass ID information, page 1, paragraph 006, lines 9-11. Passive RF frequency transponder 22, page 2, paragraph 0022, Fig. 3) for executing a communication between each communication apparatus and other communication apparatus by a first communication protocol (a smaller short range wireless communication is used to pass ID information, page 1, paragraph 006, lines 9-11);

exchange means (Identification is performed by transmitting a unique ID from the mobile device to the stationary unit, page 2, paragraph 0018, lines 1-5) for exchanging communication information necessary to a communication executed by a second communication protocol included in a communication protocol available by the other communication apparatus between the communication apparatus and the other communication apparatus by the communication executed by the first communication protocol (the shorter range link is used to transmit ID data to allow communication by another short range link with a larger area than the other, page 2, paragraph 0018, lines 2-9);

switching means (ID information is authenticated to allow activation of larger rangel, short range communication link, Fig. 5) for switching the communication between each communication apparatus and the other communication apparatus from the communication executed by the first communication protocol to the communication executed by the second communication protocol; and

second communication mean (the ID is authenticated to allow communication by another short range radio link, page 2, paragraph 0025, lines 15-18, Fig. 5) for

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executing the communication by the second communication protocol between each communication apparatus and the other communication mean based on the communication information exchanged by the exchange means.

Referring to claim 8, Philipsson discloses, a communication apparatus for executing a communication between the communication apparatus and other communication apparatus (stationary unit and mobile communications device, page 1, paragraph 0005 and Figs. 1A and 1B), comprising:

first communication mean (a smaller short range wireless communication is used to pass ID information, page 1, paragraph 0006, lines 9-11. Passive RF frequency transponder 22, page 2, paragraph 0022, Fig. 3) for executing a communication between the communication apparatus and other communication apparatus by a first communication protocol (a smaller short range wireless communication is used to pass ID information, page 1, paragraph 0006, lines 9-11);

acquisition means (interrogation signal from stationary unit to mobile communication device, page 2, paragraph 0020, lines 1-4) for acquiring the information of a communication available by the other communication apparatus through the communication executed by the first communication protocol;

exchange means (Identification is performed by transmitting a unique ID from the mobile device to the stationary unit, page 2, paragraph 0018, lines 1-5) for exchanging communication information necessary to a communication executed by a second communication protocol (the shorter range link is used to transmit ID data to allow

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communication by another short range link with a larger area than the other, page 2, paragraph 0018, lines 2-9) included in a communication protocol available by the other communication apparatus between the communication apparatus and the other communication apparatus by the communication executed by the first communication protocol;

switching means (ID information is authenticated to allow activation of larger rangel, short range communication link, Fig. 5) for switching the communication between each communication apparatus and the other communication apparatus from the communication executed by the first communication protocol to the communication executed by the second communication protocol; and

second communication mean (the ID is authenticated to allow communication by another short range radio link, page 2, paragraph 0025, lines 15-18, Fig. 5) for executing the communication by the second communication protocol between each communication apparatus and the other communication mean based on the communication information exchanged by the exchange means.

As per claim 9, Philipsson discloses, the communication executed by the first and second communication protocols is a wireless communication (Both links are wireless, page 1 paragraph 0008) and when the other communication apparatus is located in the vicinity of the communication apparatus, the first communication mean executes the communication by the first communication protocol (when the mobile device and stationary unit are within range of the smaller short range communication

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link, the stationary unit sends an interrogation signal to the mobile device, page 2, paragraph 0025, lines 1-5) between the communication apparatus and the other communication apparatus.

As per claim 10, Philipsson discloses, in the first communication protocol, the communication is executed by specifying the other communication apparatus located in the vicinity of the communication apparatus (when the mobile device and stationary unit are within range of the smaller short range communication link, the stationary unit sends an interrogation signal to the mobile device, page 2, paragraph 0025, lines 1-5)

Referring to claim 11, similar limitations as in claim 8 are recited. Therefore the rejection of claim 8 applies to claim 11.

Referring to claim 12, similar limitations as in claim 8 are recited. Therefore the rejection of claim 8 applies to claim 12.

Referring to claim 13, Philipsson discloses, a communication apparatus for executing a communication between the communication apparatus and a second communication apparatus (stationary unit and mobile communications device, page 1, paragraph 0005 and Figs. 1A and 1B), comprising:

a logical layer communication unit that executes a wireless communication between the communication apparatus and the second communication apparatus using

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a logical communication protocol (it is seen as inherent to Philipsson that the stationary unit be operated by software in order to perform the sales transactions and exchange communication means, and such software would inherently operate at a logical level above radio communications, page 1, paragraph 0008, Fig. 4A);

a first communication unit that executes a wireless communication between the communication apparatus and the second communication apparatus using a first communication protocol (a smaller short range wireless communication is used to pass ID information, page 1, paragraph 006, lines 9-11. Passive RF frequency transponder 22, page 2, paragraph 0022, Fig. 3);

a second communication unit that executes a wireless communication between the communication apparatus and the second communication apparatus using a second communication protocol, wherein the first communication protocol and the second communication protocol are a lower layer protocol to the logical communication protocol (the ID is authenticated to allow communication by another short range radio link, page 2, paragraph 0025, lines 15-18, Fig. 5);

an acquisition unit that acquires identification information used to execute the wireless communication using the first communication protocol and setting information used to establish the wireless communication using the second communication protocol, through the communication using the first communication protocol (interrogation signal from stationary unit to mobile communication device, page 2, paragraph 0020, lines 1-4); and

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a control unit that controls to establish the wireless communication using the second communication protocol based on the acquired setting information and terminates the wireless communication using the first communication protocol (microchip 40, Fig. 4A).

As per claim 15, Philipsson discloses, wherein the acquisition unit repeatedly executes polling for requesting identification information until a response is received (the stationary unit interrogates the mobile communications device to illicit a response signal, page 1, paragraph 0008, lines 9-13).

As per claim 16, Philipsson discloses, a communication apparatus according to claim 13, wherein a transaction ID and a transaction key are exchanged with the second communication apparatus for mutual authentication, through the communication using the first communication protocol (ID information is exchanged for authentication, page 1, paragraph 0008, lines 12-15).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Philipsson, as applied to claim 13 above, further in view of Nolan et al. US Publication No. 2004/0193402 A1 (hereinafter Nolan).

Claim 14, it is noted that Philipsson does not appear to explicitly disclose, wherein the first communication protocol is NFCIP-1.

However, Nolan discloses, wherein the first communication protocol is NFCIP-1 (the wireless standard may be NFCIP-1).

Nolan and Philipsson are from the same field of endeavor; specifically they both deal with transmitting data from mobile units to a base station utilizing short range radio frequency communications.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to utilize NFC as the communication for the shorter range radio link.

The suggestion/motivation for doing so would have been that Philipsson requires a short range radio link that operates with a range of less than 50cm, which NFCIP-1 qualifies, See Philipsson page 2, paragraph 0019).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUSHAR S. SHAH whose telephone number is (571)270-1970. The examiner can normally be reached on Mon-Fri 7:30am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Henry Tsai can be reached on 571-272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. S. S./
Examiner, Art Unit 2184

**/Henry W.H. Tsai/
Supervisory Patent Examiner, Art Unit 2184**